

**United States Department of Labor**  
**Plan for Improving Access to Services for Persons with Limited English Proficiency**

As Prepared by the Civil Rights Center  
Office of the Assistant Secretary for Administration and Management

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**Background.** On August 11, 2000, President Clinton signed Executive Order 13166 entitled *Improving Access to Services for Persons with Limited English Proficiency*.<sup>@</sup> The purpose of Executive Order 13166 is to eliminate, to the maximum extent possible, limited English proficiency (LEP) as an artificial barrier to full and meaningful participation by beneficiaries and participants in both federally assisted and federally conducted programs and activities. Since 1964, programs and activities that receive federal financial assistance have been required to abide by Title VI of the Civil Rights Act, which prohibits recipients from discriminating against or otherwise excluding individuals on the basis of race, color or national origin in any of their programs or activities. In *Lau v. Nichols*, 414 U.S. 563 (1974), the Supreme Court interpreted these provisions as requiring that recipients of federal financial assistance take steps to ensure that language barriers do not exclude LEP persons from effective participation in programs and activities.

Until Executive Order 13166, federally conducted programs and activities have not been required by law to ensure the same access. Now, federal agencies and departments, in essence, must *practice what they preach*.<sup>@</sup> As a first step, Executive Order 13166 requires that each federal agency or department develop an implementation plan for its federally conducted programs to improve services for persons with limited English proficiency. The definition of a federally conducted program is, simply, anything a federal agency does, including all contact with the public. This definition is consistent with the definition used under the regulations for application of Section 504 of the Rehabilitation Act of 1973. Implementation plans must follow the Department of Justice's guidance entitled *Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency*.<sup>@</sup> Pursuant to the Executive Order, this "Plan" went into effect on December 11, 2000. However, as DOL components continue to assess their programs and activities, the population of persons eligible to be served or likely to be directly or significantly affected by their programs or activities, and the action items developed in this Plan, it is expected that this document will be appropriately updated.

**Plan.** To promote the economic well-being of workers and their families, help them share in the American dream through rising wages, pensions, health benefits and expanded economic opportunities, and foster safe and healthful workplaces that are free from discrimination, the United States Department of Labor (DOL) is committed to advancing the goals set forth in Executive Order 13166. To improve access to DOL conducted programs and activities by LEP

individuals, who are often among the most disenfranchised workers in the United States, we aim to implement a comprehensive, effective and meaningful plan.

Generally, DOL will be guided by four elements of effective language assistance: Assessment; Development and Implementation of a Written Policy on Language Access; Training of Staff; and Vigilant Monitoring.

I. Assessment<sup>1</sup> - The type of language assistance an agency provides to ensure meaningful access will depend on a variety of factors. The following four factors should be assessed to determine the nature of the language assistance provided: (1) the number or proportion of LEP individuals eligible to be served or likely to be directly or significantly affected by the program or activity; (2) the frequency of contact a participant or beneficiary is required to have with the program or activity; (3) the nature and importance of the program or activity to the participant or beneficiary; and, (4) the resources available to the recipient in carrying out the program or activity.

Although some DOL programs and activities serve specific populations that may or may not reflect national LEP statistics (veterans, miners, agricultural workers, etc.), many serve a largely national population. As a result, national statistics on the LEP population demonstrate that Spanish is the primary language for which assistance may be needed. We are aware of the potential necessity to serve other nationally significant language groups, including those that speak Chinese, French, Italian, German, Vietnamese, Laotian, and Khmer (Cambodian). Moreover, as many DOL programs and activities operate out of regional centers, we recognize the necessity for each regional office to assess its regional service population in order to determine the predominant language groups eligible to be served or likely to be directly or significantly affected by DOL programs and activities. This should be done by reviewing data from a combination of sources, including the census and state labor market information systems, client utilization data from client files, and statistics from school systems and community agencies and organizations.

Thereafter, DOL components will *reassess* statistics on LEP populations eligible to be served or likely to be directly affected by their programs and activities. In preparation for this plan, the Civil Rights Center asked DOL components to perform a basic evaluation of their service populations. It was noted that a number of agencies utilized program participation history to determine the extent and nature of language assistance needed. This analysis may not produce accurate figures. In cases where language barriers may have impeded access, i.e., LEP individuals did not know of their rights and/or the availability of free language assistance, statistics on past participation may not capture the true need. While programs and activities that serve a few or even one LEP person are still subject to obligation to take reasonable steps to provide meaningful opportunities for access and participation, generally the proportion of LEP individuals in the overall, relevant program service population (e.g., unemployed individuals, miners, garment workers, etc.) should correlate roughly with the proportion of LEP individuals participating in or seeking benefits from the program or activity.

In those cases where language barriers may have impeded access, DOL components will communicate the rights of LEP individuals to employment benefits, services and job training programs to which they may be eligible in appropriate languages. Brochures, booklets, posters, outreach and recruitment information, and other materials that are routinely disseminated to the

public should be disseminated. Outreach may also include public service announcements on television or radio, newspaper advertisements, and/or by distributing materials to organizations that serve LEP persons. Outreach materials, etc. should inform the public about the services available and the right to free language assistance services, in appropriate non-English languages.

II. Comprehensive Written Policy on Language Access – Overall, DOL can ensure effective communication by developing and implementing a comprehensive written language assistance program that includes policies and procedures for identifying and assessing the language needs of its LEP applicants/clients and that provides for a range of interpreter assistance, notification to LEP persons in appropriate languages of the right to free language assistance, and translation of written materials in certain circumstances. Additionally, regulations that mandate applications to be submitted in English should be amended so that language assistance be provided, free-of-cost to ensure meaningful access and opportunity.

In designing an effective language assistance program, DOL components will develop procedures for obtaining and providing trained and competent interpreters and other interpretation services, in a timely manner, which may include all or some of the following: hiring bilingual staff or staff interpreters who are trained and competent in the skill of interpreting; contracting with an outside interpreter service; arranging formally for the services of volunteers who are qualified to interpret; and, arranging/contracting for the use of a telephone language interpreter service. DOL components will not suggest that participants or beneficiaries use friends, family members, or minors as interpreters, as this could compromise the effectiveness of the service. Further, DOL will ensure that all persons providing interpretation services are qualified. Being qualified generally requires demonstrated proficiency in both English and the second language; orientation and training that includes the skills and ethics of interpreting (e.g., issues of confidentiality); and, fundamental knowledge in both languages of any specialized terms or concepts peculiar to the DOL program or activity.

Additionally, an effective language assistance program ensures that written materials that are routinely provided in English to applicants, clients and the public are available in regularly encountered languages other than English. It is particularly important to ensure that vital documents, such as applications; consent forms; letters containing important information regarding participation in a program or activity; notices pertaining to the reduction, denial or termination of services or benefits and of the right to appeal such actions; notices that require a response from beneficiaries; information on the right to file complaints of discrimination; notices advising LEP persons of the availability of free language assistance; and, other outreach materials be translated into the languages other than English of each regularly encountered LEP group eligible to be served or likely to be directly or significantly affected by the DOL program or activity<sup>2</sup>. Further, in some instances, translation of written materials is required as a reasonable step to ensure that LEP persons are effectively informed about, or able to participate in, a DOL program or activity.

For the Department as a whole, the Information and Technology Center (ITC) is currently analyzing the quality of computer-based technology tools to aid translation. The ITC will test and certify the most frequently used language translator software programs for use on the Department of Labor computer system. As part of America's Jobs Network, the Department is in the process of implementing a toll-free help line, which will have the capability of providing information and

assistance in over 146 languages. Lastly, the DOL is considering whether to create an office of Language Assistance Services. Similar to that already available to assist DOL in serving persons with physical disabilities, the office would house minimally a certified language interpreter to facilitate communication with the nation's largest LEP group, Spanish speakers. Additionally, this office would guide DOL components in activities such as locating and utilizing interpretation and translation resources for other language groups, coordinating regional and national population assessments and the necessary resources to serve those populations, and by assisting in the annual review of DOL's effectiveness in serving LEP persons. The CRC recommends that the associated costs would be funded through the working capital fund.

Considering the factors to evaluate in developing an effective language assistance program, it is necessary to review DOL components on a case-by-case basis. The following DOL components administer programs or activities that rarely, if ever, serve LEP individuals or do not provide vital services that cannot be obtained from other sources. As a result, only the assessment and outreach inquiries are required of these components at this time. However, these entities should be prepared to provide meaningful opportunities for access and participation of LEP persons should such service become necessary.

**The Administrative Review Board (ARB)** issues final agency decisions under a broad range of Federal labor laws, including the Davis-Bacon Act and the Service Contract Act.

**The Benefits Review Board (BRB)** reviews appeals of two types of benefits claims: appeals of miners and other coal workers under the Black Lung Benefits Act and the Coal Mine Health and Safety Act and appeals under the provisions and extensions of the Longshore Harbor Workers Compensation Act. These appeals are considered by DOL's Office of Administrative Law Judges prior to being eligible for appeal to the BRB.

**The Employees' Compensation Appeals Board (ECAB)** reviews appeals of benefit claims under the Federal Employees' Compensation Act (FECA). Since, for the most part, FECA benefits are only available to federal employees injured in the performance of their duties, nearly all persons covered by FECA are proficient in English.

**The Employment Standards Administration (ESA)**

The Office of Labor-Management Standards provides the following services: (1) conducts investigations/audits of labor organizations; (2) certifies employee protections in the transit industry; (3) provides public disclosure access to the reports filed by labor organizations, their officers and employees, employers, labor relations consultants, and surety companies; (4) provides compliance assistance and technical training to union officers, union members, employers, consultants, and the general public. In many cases, the OLMS customer is an organizational representative, not an individual claimant.

**The Office of the Inspector General (OIG)** conducts audits, investigations, and evaluations to improve the effectiveness, efficiency, and economy of DOL programs and operations. In this work, OIG strives to detect fraud and abuse in DOL programs and labor racketeering in the American workplace. In the course of investigations and/or when interviewing participants in DOL funded programs or activities, limited and infrequent

contact with LEP individuals may occur. On these occasions, OIG full-time employees provide assistance with interpretation.

**The Office of the Solicitor (SOL)** provides legal services for the Secretary of Labor and the program agencies of DOL. These services include litigation, hearings, legal advice and legal opinions. SOL does not provide legal services directly to the public. However, in a few instances (for example, when litigating cases referred by DOL client agencies), limited and infrequent contact with LEP individuals may occur. In the instances where contact with LEP persons is necessary, language services are primarily provided at no cost by the client agency.

**The Office of Small Business Programs (OSBP)** administers the Department of Labor's responsibilities to ensure procurement opportunities for small businesses, including those that are disadvantaged, women-owned, HUBZone, and owned by service disabled veterans. Moreover, OSBP serves as DOL's central referral point for small business regulatory compliance assistance information; manages DOL's minority colleges and universities and other special programs; and, provides management oversight and guidance to ensure compliance with applicable statutes and related requirements.

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires Federal agencies to make their pamphlets, handbooks, and other compliance materials available to small businesses through a central source. To help simplify the task of complying with the Department of Labor's workplace poster requirements, OSBP created a poster matrix, which lists the DOL required posters. Poster requirements are stated so they are easily understandable to the intended audience. OSBP has prepared the poster matrix in Spanish to be responsive to the needs of LEP persons; the Spanish version is pending approval in the Office of the Solicitor. Furthermore, in order to be responsive to the increasing number of small businesses owned by Spanish-speaking individuals, OSBP has a Spanish-speaking requirement for one full-time employee to provide business counseling in Spanish. OSBP will continue to be responsive to the needs of LEP persons.

**The Women's Bureau (WB)** acts as an advocate for women's issues and disseminates information on the status, rights, and opportunities of women in the workforce. All services and information provided to women help them make more informed decisions, but are not used for obtaining direct assistance from governmental agencies. Nevertheless, the WB translates into Spanish most publications dealing with women's rights in situations where discrimination may occur. The WB has conducted seminars in Spanish, and is responsive to the needs of LEP persons.

The following DOL components administer programs or activities that significantly impact or have the potential to significantly impact LEP individuals and/or provide vital services. As a result, these components will *develop and implement targeted plans* to improve programs and activities for LEP individuals<sup>3</sup>:

### **The Employment Standards Administration (ESA)**

The Office of Federal Contract Compliance Programs (OFCCP) investigates whether or not Federal contractors, subcontractors, and construction companies working on federally assisted construction projects discriminate on the bases of race, color, gender, religion, national origin, disability or protected veteran status; and, evaluates whether these same employers make good faith affirmative action efforts on behalf of minorities, women, individuals with disabilities and protected veterans. Based on 2000 Census data, OFCCP estimates that 16 percent of its service population is LEP (11.8 percent are Hispanic and 4.1 percent are Asian/Pacific Islander). On average, OFCCP compliance officers are in contact with LEP individuals approximately four percent of enforcement time during complaint investigations and compliance reviews.

OFCCP employs bilingual (Spanish-English, Korean-English, Chinese-English, Japanese-English, etc.) compliance officers or equal opportunity specialists in field offices where contact with the public takes place during compliance evaluations or complaint investigations. As a proactive method in FY 2000, OFCCP canvassed its regions concerning LEP requirements. Based on the findings of this review, OFCCP has already contracted to have its brochures, pamphlets and EEO poster translated from English to the following languages: Spanish, Portuguese, Korean, Japanese, Chinese, Vietnamese, and, Arabic. OFCCP will also take the following steps to improve access: (1) recruit bilingual staff, as appropriate, in areas where a significant number or proportion of the population may need services in a language other than English; (2) ensure program directives and training address the LEP initiative; (3) translate brochures, pamphlets and EEO poster into high-demand LEP languages; and, (4) translate complaint form into high-demand LEP languages.

While it is noted that OFCCP is proactively addressing the provision of services to LEP individuals, OFCCP will document for the CRC that it has systematically reviewed the points of contact in its program where language assistance is likely to be needed. Based on this assessment, OFCCP will document that it has considered whether or not the resources required for meaningful access, including bilingual staff and vital documents, are sufficiently available at all offices.

The Wage and Hour Division (WHD) administers the wage, hour and child labor provisions of the Fair Labor Standards Act, as well as several other programs covering prevailing wages for government contracts and farm labor, family and medical leave, immigration and polygraph testing. Public outreach activities are conducted to educate employees and employers of their rights and responsibilities. Enforcement activities are conducted to bring employers into compliance and obtain payment of any wages due employees. WHD estimates that approximately 25 percent of its service population are LEP; approximately 15 percent of its service population speak Spanish. WHD targets low-wage industries in which LEP persons frequently are employed. Approximately 50 percent of investigations conducted involve LEP individuals.

In recent years, WHD has focused on hiring a multilingual staff in order to serve non-English speaking customers. Investigators that have been hired speak Spanish, French, Italian, German, Polish, Lithuanian, Portuguese, Haitian, Thai, Creole, Yiddish, Swedish, Norwegian, Japanese, Ukrainian, Romanian, Arabic, Korean, Tagalog, Vietnamese and Chinese. Copies of major non-technical publications are provided in Spanish and posted on the program website. A few publications are available in Laotian, Khmer (Cambodian) and Chinese.

In addition to the positive attention the LEP issue has been given within WHD, the following steps must be taken to ensure consistency and sufficiency. First, WHD will identify the points of contact in its program where language assistance is likely to be needed. Second, WHD will evaluate the resources (publications in languages other than English, bilingual staff who speak appropriate languages, etc.) needed at each point of contact, and whether or not needed resources are amply available at each WHD office. Unless resources can be provided in a consistent fashion, each WHD office will devise a back-up plan to provide the necessary assistance to LEP individuals. Furthermore, the qualifications of bilingual staff must be reviewed to ensure demonstrated proficiency in English and the second language, orientation and training on the skills and ethics of interpretation, and fundamental knowledge in both languages of any specialized terms or concepts. Finally, WHD will evaluate all documents deemed vital in the provision of services to the public, and assess the need to translate these documents based on local office populations.

The Office of Workers= Compensation Programs administers three major disability compensation programs that mitigate the financial burden on workers and their dependents or survivors from work-related injury, disease, or death through the provision of wage replacement and case benefits, medical treatment, vocational rehabilitation, and other benefits. These programs are the Federal Employees= Compensation Act (FECA), which provides services to civilian employees of the federal government and certain designated groups; the Longshore and Harbor Workers= Compensation Act (LHWCA), which provides similar protection to private sector workers engaged in certain maritime and related employment; and, the Black Lung Benefits program, which provides protection to disabled coal miners or their survivors. Access to these services stems from written application. Last year, less than one half of one percent of all applicants were limited English proficient.

In order to ensure that LEP individuals are aware of the right to obtain assistance in appropriate non-English languages to assess OWCP services, OWCP will make stakeholders that serve relevant populations (such as the United Mine Workers and Black Lung Associations) aware, through written and oral means, that such services are available. Additionally, since most of OWCP=s contact with LEP individuals comes in the form of telephone inquiries or visits to regional offices, OWCP will identify the points of contact in its program where language assistance may likely

be needed. Second, OWCP will evaluate the staff resources needed at each point of contact, and whether or not needed resources are available at each OWCP office. If resources are deemed insufficient and/or if OWCP does not anticipate significant LEP participation, OWCP offices will devise back-up plans to provide the necessary assistance to LEP individuals on an as-needed basis.

### **The Employment and Training Administration (ETA)**

The Office of Job Corps (JC) oversees vocational training centers across the country to provide youth with the skills needed to enter the labor force. Training centers and other relevant entities (e.g., outreach and admissions offices) are generally operated by contractors; however, a number of centers are conducted by federal agencies such as the U.S. Department of the Interior and the U.S. Department of Agriculture. JC provides LEP students the opportunity to develop English language and acculturation skills so they can successfully accomplish the full range of JC training. This includes an initial occupation and language skills assessment, English language skills training, and special support services. After students have enrolled, LEP students are typically assigned an individual who can assist them with interpretation. In program year 1999, a total of 1,920 applicants were designated as needing language assistance. JC estimates that 2.8 percent of all students who will finish JC in program year 2000 are LEP.

The National Office of Job Corps must ensure that policies developed and enforced ensure meaningful access and participation of LEP individuals in JC. Private contractors that operate JC centers must follow the LEP Guidance issued by DOL for recipients of federal financial assistance. Federally-conducted Job Corps centers should adhere to the plans of their operating Department(s). Specifically, the National Office of Job Corps, as well as all center operators, must perform outreach to communities where LEP persons are highly represented. JC must ensure that its admissions processes do not exclude students on the basis of their limited English proficiency. Oral interpretation and written translation services will be made available to aid students in applying.

**The Mine Safety and Health Administration (MSHA)** is an enforcement agency whose goal is to eliminate fatal accidents, reduce the frequency and severity of nonfatal accidents, minimize health hazards, and promote improved safety and health conditions in the nation's mines. These goals are accomplished by providing information and education to the mining community (training) and by assuring compliance with federal law at all mining and mineral processing operations in the United States. MSHA's service population includes more than 350,000 people working in more than 14,000 mining operations. MSHA does not have updated statistical data on the LEP population it serves.

First, MSHA must obtain statistical data on its service population that includes language use. If MSHA is unable to obtain this information from the Bureau of Labor Statistics or the Bureau of the Census, MSHA will conduct an internal survey to ascertain both



languages encountered and the points of contact in which language services may be needed.

Based on this information, MSHA will analyze the sufficiency of language assistance currently available. Among the improvements to be made, MSHA commits itself to taking the following actions to comply with the Executive Order: 1) Post and maintain signs in regularly encountered languages other than English in common points of contact; 2) translate all instructional, informational and other written materials into Spanish and, depending on need, other non-English languages by competent translators; 3) provide interpreter services for LEP persons whose language(s) will not be translated in written form and in those cases where interpretation services are necessary to ensure meaningful access; 4) include statements about the services available and the right to free language assistance services, in appropriate non-English languages, in brochures, booklets, posters, outreach and recruitment information, and other materials that are routinely disseminated to the public; and, 5) disseminate MSHA's LEP policy to all employees likely to have contact with LEP persons, as well as conduct periodic training of these employees. Finally, MSHA will ensure that either bilingual staff or an alternative language assistance service will be available in its headquarters to assist complainants filing allegations of violations.

**The Occupational Safety and Health Administration (OSHA)** safeguards the rights of workers to safe and healthy working conditions. As the enforcement agency of the Occupational Safety and Health Act, OSHA staff have daily contact with LEP individuals, especially in the Southern and Western regions of the country. For example, approximately 50 percent of the construction workforce in the South and West are LEP, generally Spanish speaking. Currently, OSHA employs staff fluent in a variety of languages, including Spanish, Polish, Greek, Vietnamese, Chinese, Korean, French, Italian, Khmer (Cambodian), and Arabic. Additionally, posters, pamphlets, and brochures have been translated; special training classes have been conducted for LEP individuals; partnerships have been developed with trade associations, employer groups, religious organizations, etc. to assist OSHA in providing services to LEP individuals; and, grants have been awarded to organizations to develop safety and health training for Spanish speaking employees and employers.

To ensure consistency, OSHA will conduct a detailed review of the points of contact in its program where language assistance is likely to be needed. Based on this review, the sufficiency of available resources will be assessed, and specific local office plans will be created to address needs. Due especially to the critical nature of information and services provided, the qualifications of bilingual staff must be reviewed based on characteristics of effective interpreters, including demonstrated proficiency in English and the second language, orientation and training on the skills and ethics of interpretation, and fundamental knowledge in both languages of any specialized terms or concepts. Finally, OSHA will review all documents deemed vital in the provision of services to the public, and assess the need to translate these documents based on local office populations.

**The Office of Administrative Law Judges (OALJ)** adjudicates cases covering over 70 statutes and regulations and issues decisions under the formal hearing procedures of the

Administrative Procedure Act. In most case areas, this requires an oral, evidentiary hearing. Over 85 percent of work performed by the OALJ stems from the appeals process for benefits under the Black Lung Benefits Act and the Longshore and Harbor Workers= Act. In FY 2000, only 20 claimants of over 4,000 total claimants were LEP. In all cases, professional interpreters were provided by the claimants= counsel as part of the litigation expense. If a claimant was successful in receiving benefits, the cost of the interpreter was reimbursed to the attorney through the attorney fee award portion of the program. In permanent alien labor certification cases, applicants are required by regulation to submit documentation in English or submit an accompanying translation. There has never been a request to the OALJ for written translation services.

The minute proportion of LEPs seeking assistance from the OALJ might suggest that language barriers are impeding access. Initial assessment and outreach are particularly important. The OALJ should advertise the availability of free language assistance so as to not provide a less meaningful level of access and service to LEP persons.

#### **The Office of the Assistant Secretary for Administration and Management (OASAM)**

The Civil Rights Center (CRC) develops and implements regulations, policies, and procedures to ensure the effective implementation of DOL=s responsibilities under applicable equal opportunity and nondiscrimination laws and regulations. Primary activities include complaint processing, compliance reviews, and technical assistance. CRC serves as the only source for which many employees, participants and beneficiaries can exercise their rights under the equal opportunity and nondiscrimination statutes.

The CRC=s records clearly demonstrate the need for frequent communication with Spanish-speaking individuals (mostly from Puerto Rico). Vital documents including complaint information forms, acceptance/denial letters, decisions, settlement agreements, and interrogatory questionnaires will be translated into Spanish for use in processing complaints.

The CRC will require outside assistance to translate documents on an as-needed basis for LEP persons who speak languages other than Spanish. Spanish-speaking individuals will be on staff to provide oral interpretation services. Again, on an as-needed basis, CRC will seek outside assistance or the use of a telephone language line in order to communicate orally with LEP persons who speak languages other than English and Spanish. Additionally, CRC staff will be trained on the procedures for working with individuals with limited English proficiency.

The Safety and Health Center (SHC) is responsible for managing the safety, health and workers= compensation program for DOL employees. This means that, for the most part, SHC=s contacts are mainly internal and English proficient. The only exception is SHC=s responsibility to Job Corps. Job Corps students are entitled to file written complaints of safety and health violations per the Occupational Safety and Health Act. Approximately 2.8 percent of Job Corps students submit

complaints yearly. Although the SHC believes that interpretation and translation services already available at Job Corps Centers will facilitate students in understanding and exercising their rights, the SHC will evaluate the need to provide information on the Occupational Safety and Health Act in Spanish and other languages at Job Corps Centers.

**Pension and Welfare Benefits Administration (PWBA)** protects the integrity of pensions, health plans, and other employee benefits for more than 150 million people. The PWBA's mission is to 1) assist workers in obtaining the information they need to protect their benefit rights; 2) assist plan officials in understanding the requirements of the relevant statutes in order to meet their legal obligations; 3) develop policies and procedures that encourage the growth of employment-based benefits; and, 4) deter and correct violations of the relevant statutes. Approximately 1.5 percent of all individuals who contact PWBA's benefits advisors annually for assistance regarding pension and/or health benefits are LEP. For these individuals, oral services, including telephone and in-person communication, is necessary. Written services are rarely necessary. Currently, PWBA employs benefits advisors and investigative staff in field offices who are bilingual. Depending on the local population, field office staff provide language assistance in numerous languages, including Spanish, Vietnamese, Chinese, Czech, Bengali, Hindi, Korean, Tagalog, and German. Additionally, five of PWBA's publications that inform workers of their pension and health benefits rights have been translated into Spanish. Additional publications have been identified for translation into Spanish.

Based on the critical nature of services provided by PWBA, it is essential that points of contact where language assistance is likely to be needed be identified. Second, PWBA will evaluate the resources that are needed at each point of contact and whether or not needed resources are amply available. Unless resources can be provided in a consistent fashion, all PWBA offices will devise a back-up plan to provide the necessary assistance to LEP individuals. Lastly, PWBA will review all documents deemed vital in the provision of services to the public and assess the need to translate these documents based on language groups served.

**Veterans' Employment and Training Service (VETS)** operates two types of activities available to the public: 1) Grant in aid programs including Disabled Veterans' Outreach, Local Veterans' Employment Representative, Veterans' Workforce Investment, and Homeless Veterans' Reintegration Project programs; and, 2) Protection of veterans' rights programs, wherein services are provided directly by federal staff, and include the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Federal Veterans' Preference. Of the latter programs, federal responsibilities include 1) Federal staff-conducted fact finding/investigations into claims by veterans under USERRA and Federal Veterans' Preference. Language ability will be identified as a selective or mandatory factor in those communities, particularly Puerto Rico, where there are substantial numbers of LEP veterans.

Like other programs, VETS will identify the points of contact in its program where language assistance is likely to be needed, evaluate the resources needed at the points of contact, and determine whether or not needed resources are amply available at each VETS office. Unless resources can be provided in a consistent fashion, each VETS office will devise a back-up plan to provide the necessary assistance to LEP individuals. Finally, VETS will review all documents deemed vital in the provision of services to the public, and assess the need to translate these documents based on local office populations.

III. Training of Staff - Each of the aforementioned components will ensure proper instruction of policies and procedures to DOL employees. The Civil Rights Center will be available to assist with staff training and technical assistance.

IV. Monitoring - Each DOL component will be asked to assess the most up-to-date census figures and actual workload statistics, review the effectiveness of policies and procedures, and solicit feedback from stakeholders on an annual basis. The Civil Rights Center will manage the collection of these surveys for review and will provide feedback and suggestions for improvement when necessary.

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1. This plan does not address DOL components that operate programs and activities that solely or predominantly serve DOL employees, the majority, if not all of whom, must speak English as a condition of federal employment; programs and activities that are run by recipients of federal financial assistance; and/or components that only handle DOL internal administrative functions. These programs and activities include those managed by the Office of the Assistant Secretary for Administration and Management (Business Operations Center, Information Technology Center, and Human Resources Center), the Employment and Training Administration (Unemployment Insurance, Job Training, Welfare to Work), the Office of the Chief Financial Officer, the Office of the Assistant Secretary for Policy, the International Labor Affairs Bureau, etc.

2. The requirements outlined in this guidance memorandum also apply to materials posted on web sites. However, the placement of materials on a web site need not change the original assessment regarding the number or proportion of LEP persons that comprise the intended audience for that document. The four-factor analysis (defined on page two) applies to each individual “document” on a web site. Generally, entire web sites need not be translated, usually only the vital documents or vital information posted would require translation. If, in applying the four-factor analysis, the DOL program agency determines that a particular document or piece of information should be translated, then, provided that the English version can be found on the web site, translations into appropriate languages other than English should also be posted. If documents are translated on a web site, the web site homepage should direct browsers to such information.

3. DOL components may appropriately make use of General Services Administration (GSA) contracts to provide language assistance services. For more information on GSA language assistance services, access the website at: [www.northwest.gsa.gov/fss/msc](http://www.northwest.gsa.gov/fss/msc)

